

**TITLE 71 INDIANA HORSE RACING COMMISSION****Emergency Rule**  
LSA Document #12-56(E)**DIGEST**

Amends [71 IAC 2-5-1](#) regarding employees. Amends [71 IAC 4-4-1](#) regarding security. Amends [71 IAC 4-4-11](#) regarding escort of practicing veterinarians. Amends [71 IAC 4.5-4-1](#) regarding security. Amends [71 IAC 6-1-3](#) regarding claiming procedure. Amends [71 IAC 6.5-1-4](#) regarding prohibitions. Amends [71 IAC 8-1-2](#) regarding foreign substances prohibited. Amends [71 IAC 8-1-3](#) regarding foreign substances allowed. Amends [71 IAC 8-1-4.1](#) regarding nonsteroidal anti-inflammatory drugs (NSAIDs). Adds [71 IAC 8-1-4.2](#) regarding threshold levels. Amends [71 IAC 8-1-5](#) regarding furosemide as a permitted foreign substance. Amends [71 IAC 8-3-4](#) regarding administrative procedures prior to split sample testing. Amends [71 IAC 8-4-3](#) regarding administrative procedures prior to split sample testing. Adds [71 IAC 8-5-12.1](#) regarding stable area access. Amends [71 IAC 8-11-2](#) regarding licensee subject to testing and positive sample results. Amends [71 IAC 8.5-1-2](#) regarding foreign substances prohibited. Amends [71 IAC 8.5-1-3](#) concerning foreign substances. Amends [71 IAC 8.5-1-4.1](#) regarding NSAIDs. Adds [71 IAC 8.5-1-4.2](#) regarding threshold levels. Amends [71 IAC 8.5-1-5](#) regarding furosemide as a permitted foreign substance. Amends [71 IAC 8.5-2-4](#) regarding the taking of samples. Amends [71 IAC 8.5-3-3](#) regarding administrative procedures prior to split sample testing. Adds [71 IAC 8.5-4-12.1](#) regarding stable access area. Amends [71 IAC 8.5-11-2](#) regarding licensee subject to testing and positive sample results. Amends [71 IAC 10-2-9](#) regarding appeals. Amends [71 IAC 10-3-20](#) regarding administrative penalties. Amends [71 IAC 13.5-3-2](#) regarding breeder's awards. Amends [71 IAC 13.5-3-4](#) regarding stallion owner's awards. Adds [71 IAC 13.5-7](#) regarding Indiana sired weight allowance. Amends [71 IAC 14-1-1](#) regarding Indiana bred defined. Amends [71 IAC 14-3-1](#) regarding embryo transfer. Adds [71 IAC 14.5-1-4](#) regarding Indiana sired quarter horse. Amends [71 IAC 14.5-2-1.5](#) regarding embryo transfer registration. Effective January 25, 2012.

[71 IAC 2-5-1](#); [71 IAC 4-4-1](#); [71 IAC 4-4-11](#); [71 IAC 4.5-4-1](#); [71 IAC 6-1-3](#); [71 IAC 6.5-1-4](#); [71 IAC 8-1-2](#); [71 IAC 8-1-3](#); [71 IAC 8-1-4.1](#); [71 IAC 8-1-4.2](#); [71 IAC 8-1-5](#); [71 IAC 8-3-4](#); [71 IAC 8-4-3](#); [71 IAC 8-5-12.1](#); [71 IAC 8-11-2](#); [71 IAC 8.5-1-2](#); [71 IAC 8.5-1-3](#); [71 IAC 8.5-1-4.1](#); [71 IAC 8.5-1-4.2](#); [71 IAC 8.5-1-5](#); [71 IAC 8.5-2-4](#); [71 IAC 8.5-3-3](#); [71 IAC 8.5-4-12.1](#); [71 IAC 8.5-11-2](#); [71 IAC 10-2-9](#); [71 IAC 10-3-20](#); [71 IAC 13.5-3-2](#); [71 IAC 13.5-3-4](#); [71 IAC 13.5-7](#); [71 IAC 14-1-1](#); [71 IAC 14-3-1](#); [71 IAC 14.5-1-4](#); [71 IAC 14.5-2-1.5](#)

SECTION 1. [71 IAC 2-5-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 2-5-1](#) Employees**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-3](#); [IC 4-31-13-7](#)

Sec. 1. (a) The commission shall employ an executive director and an assistant executive director who shall employ other employees necessary to implement, administer, and enforce the Act.

(b) The executive director and assistant executive director shall maintain the records of the commission and shall perform other duties as required by the commission. Except as otherwise provided by these rules, if a rule of the commission places a duty on the executive director, the executive director may delegate that duty to another employee of the commission. The commission, the executive director and the assistant executive director may not employ or continue to employ a person:

- (1) who owns a financial interest in an association in this jurisdiction;
- (2) who accepts remuneration from an association in this jurisdiction, unless otherwise approved by the commission or the executive director;
- (3) who is an owner, lessor, or lessee of a horse that is entered in a race in this jurisdiction; or
- (4) who accepts or is entitled to a part of the purse or purse supplement to be paid on a horse in a race held in this jurisdiction.

(c) Commission employees shall not wager directly or indirectly on live racing or on any simulcast races received at a **an Indiana track** ~~if the employee is employed at or has any official responsibilities or satellite facility at any time. at that track.~~

(d) Commission employees **The executive director, assistant executive director, director of security, stewards, and judges** shall not wager directly or indirectly on any gambling game located on association grounds if the employee is employed at or has any official responsibilities at any time. ~~at that track.~~

(e) The commission shall appoint the judges at each racing meeting.

*(Indiana Horse Racing Commission; [71 IAC 2-5-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2069; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 2. [71 IAC 4-4-1](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 4-4-1](#) Security**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) An association conducting a race meeting shall maintain security controls over its premises. Security controls are subject to the approval of the commission.

(b) An association may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.

(c) An association shall prevent access to and shall remove or cause to be removed from its restricted areas any person:

- (1) who is unlicensed;
- (2) who has not been issued a visitor's pass or other identifying credential; or
- (3) whose presence in such restricted area is unauthorized.

(d) Unless otherwise authorized by the commission, an association shall provide continuous security in the stable area during all times that horses are stabled on the grounds. An association shall require any person entering the stable area to display valid credentials issued by the commission or ~~aa~~ a visitor's pass issued by the association. An association shall provide security fencing around the stable area in a manner that is approved by the commission.

(e) On request by the commission, an association shall provide a list of the security personnel, including the following:

- (1) Name.
- (2) Qualifications.
- (3) Training.
- (4) Duties.
- (5) Duty station.
- (6) Area supervised.

(f) Each day, the chief of security for an association shall deliver a written report to the judges and the commission's director of security regarding occurrences on association grounds on the previous day. Not later than twenty-four (24) hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the judges a written report describing the incident. The report must include the following:

- (1) The name of each individual involved in the incident.
- (2) The circumstances of the incident.
- (3) Any recommended charges against each individual involved.

(g) An association shall develop written security policies and procedures as requested by the commission.

Within thirty (30) days after receipt of the request, the association shall file its proposed written security policies and procedures with the commission. Within fifteen (15) days of the filing, the executive director shall advise the association of suggested changes and modifications to the proposed security policies and procedures. Within seven (7) days after the receipt by the association of the comments of the executive director, the association shall file its final written security policies and procedures with the commission. The executive director may, at his discretion, and for good cause, alter the time line for the filing of the information as provided in this subsection. The final security policies and procedures shall be subject to the prior approval of the commission.

(h) In the absence of approved security policies and procedures, the executive director may determine track security policies and procedures. The association shall adhere to and enforce these policies and procedures.

(i) An association shall adhere to and enforce all security policies and procedures approved by the commission.

**(j) Track security employees shall not wager directly or indirectly on live racing or any simulcast races received at an Indiana track or satellite facility at any time.**

*(Indiana Horse Racing Commission; [71 IAC 4-4-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1138; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1497; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2073; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 3. [71 IAC 4-4-11](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 4-4-11](#) Escort of practicing veterinarians**

**Authority:** [IC 4-31-3-9](#); [IC 4-31-12-1](#); [IC 4-31-13-4](#)

**Affected:** [IC 4-31](#)

Sec. 11. (a) The association shall be responsible for providing an employee to escort each practicing veterinarian while ~~in the stable area during the time period~~ **administering** race day furosemide. ~~is administered.~~

(b) The association shall be responsible for the filing of any forms and reports regarding compliance or noncompliance with these rules as directed by the commission or its executive director.

(c) Practicing veterinarians and/or their licensed helpers shall cooperate fully with their designated association escort at all times.

*(Indiana Horse Racing Commission; [71 IAC 4-4-11](#); emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 4. [71 IAC 4.5-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 4.5-4-1](#) Security**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) An association conducting a race meeting shall maintain security controls over its premises. Security controls are subject to the approval of the commission.

(b) An association may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.

(c) An association shall prevent access to and shall remove or cause to be removed from its restricted areas any person:

- (1) who is unlicensed;
- (2) who has not been issued a visitor's pass or other identifying credential; or
- (3) whose presence in such restricted area is unauthorized.

(d) Unless otherwise authorized by the commission, an association shall provide continuous security in the stable area during all times that horses are stabled on the grounds. An association shall require any person entering the stable area to display valid credentials issued by the commission or ~~aa~~ a visitor's pass issued by the association. An association shall provide security fencing around the stable area in a manner that is approved by the commission.

(e) On request by the commission, an association shall provide a list of the security personnel, including the following:

- (1) Name.
- (2) Qualifications.
- (3) Training.
- (4) Duties.
- (5) Duty station.
- (6) Area supervised.

(f) Each day, the chief of security for an association shall deliver a written report to the stewards and the commission's director of security regarding occurrences on association grounds on the previous day. Not later than twenty-four (24) hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the stewards a written report describing the incident. The report must include the following:

- (1) The name of each individual involved in the incident.
- (2) The circumstances of the incident.
- (3) Any recommended charges against each individual involved.

(g) An association shall develop written security policies and procedures as requested by the commission. Within thirty (30) days after receipt of the request, the association shall file its proposed written security policies and procedures with the commission. Within fifteen (15) days of the filing, the executive director shall advise the association of suggested changes and modifications to the proposed security policies and procedures. Within seven (7) days after the receipt by the association of the comments of the executive director, the association shall file its final written security policies and procedures with the commission. The executive director may, at his discretion, and for good cause, alter the time line for the filing of the information as provided in this subsection. The final security policies and procedures shall be subject to the prior approval of the commission.

(h) In the absence of approved security policies and procedures, the executive director may determine track security policies and procedures. The association shall adhere to and enforce these policies and procedures.

(i) An association shall adhere to and enforce all security policies and procedures approved by the commission.

**(j) Track security employees shall not wager directly or indirectly on live racing or any simulcast races received at an Indiana track or satellite facility at any time.**

*(Indiana Horse Racing Commission; [71 IAC 4.5-4-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2845, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 5. [71 IAC 6-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 6-1-3](#) Claiming procedure**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper at the time the completed claim form is deposited.

(b) The claimant shall provide all information required on the claim form provided by the association.

(c) The claim form shall be completed and signed by the claimant or his authorized agent prior to placing it and the necessary transfer fees in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.

(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.

(e) The claim shall be examined by the judges or their designee prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.

(f) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.

(g) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:

(1) a photostatic copy of the check presented;

(2) written detailed information to include:

(A) the name of the claimant;

(B) the bank;

(C) the branch;

(D) the account number; and

(E) the drawer of any checks; or

(3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(h) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(i) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges or their designee, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

(j) Upon determining that a claim is valid, the judges shall notify the paddock judge of:

(1) the name of the horse claimed;

(2) the name of the claimant; and

(3) the name of the person to whom the horse is to be delivered.

Also, the judges shall cause a public announcement to be made.

(k) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race. A horse entered in a claiming race cannot be sold or transferred until the completion of the race.

(l) A horse entered in a claiming race cannot be scratched from a claiming race for the purpose of being sold privately.

(m) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation. The successful claimant/trainer shall have the right to measure the horse's hobbles and any other equipment that he deems necessary before the horse leaves the test barn. The claimant or his/her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his/her designee has an opportunity to measure hobbles or any other equipment he deems necessary.

(n) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse, until delivery is made.

(o) A claimed horse shall not:

- (1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;
- (2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or
- (3) be sold or transferred to anyone;

for a period of sixty (60) days unless reclaimed out of another claiming race.

(p) The claiming price shall be paid to the owner at the time of entry for the race from which the horse was claimed only when the successful claimant is not in pending status by the USTA, the judges are satisfied that the claim is valid, and the successful claimant is recognized as the owner of record.

(q) The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

(r) Mares and fillies who are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(s) If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(t) When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

- (1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;
- (2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and
- (3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.

~~(u) No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier to occur of:~~

~~(1) a period of sixty (60) days; or~~

~~(2) the conclusion of the last standardbred race meet under the jurisdiction of the Indiana horse racing commission in that year.~~

~~(v) Notwithstanding the provisions of subsection (u), a claimed horse shall be allowed to compete out of state while on the sixty (60) day hold period in any stake, or early and late closer, it is listed as being paid prior to the claim.~~

---

**(u) The enforcement of regulations prohibiting a horse claimed in another state from racing in Indiana**

---

**shall be the responsibility of the jurisdiction in which the horse was claimed.**

*(Indiana Horse Racing Commission; [71 IAC 6-1-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 6. [71 IAC 6.5-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 6.5-1-4 Prohibitions](#)**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

(e) A person shall not file a claim more than one (1) horse in a race or file more than one (1) claim for the same horse. However, owners utilizing the same trainer may claim different horses from the same race.

(f) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.

~~(g) A horse claimed in this jurisdiction shall not race outside Indiana until after the conclusion of the race meet without the permission of the stewards.~~

~~(h)~~ (g) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed.

~~(i)~~ (h) For a period of thirty (30) days after a claim, a horse shall not start in a race in which the determining eligibility price is less than the price at which it was claimed. The day claimed shall not count for purposes of counting the applicable thirty (30) day period, and for this purpose the immediate following calendar day after the day claimed shall be the first day. The horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim for any claiming price.

**(i) The enforcement of regulations prohibiting a horse claimed in another state from racing in Indiana shall be the responsibility of the jurisdiction in which the horse was claimed.**

*(Indiana Horse Racing Commission; [71 IAC 6.5-1-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: [IC 4-22-2-37.1](#)*

*establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Apr 30, 2010, 1:34 p.m.: [20100505-IR-071100256ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 7. [71 IAC 8-1-2](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8-1-2](#) Foreign substances prohibited**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 2. (a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse. The prohibition and allowance of foreign substances in this article shall apply to qualifying races.

(b) Upon the finding of a violation of this section, ~~including test results or an overage of phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules,~~ the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. **However, forfeiture of any purse, trophy, or award for an overage of phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules shall be consistent with recommended penalties of the Association of Racing Commissioners, International.**

*(Indiana Horse Racing Commission; [71 IAC 8-1-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 8. [71 IAC 8-1-3](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8-1-3](#) Foreign substances allowed**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 3. Furosemide, when used in accordance with the test levels and guidelines set forth in sections [sic, section] 5 of this rule, and ~~vitamin B1 and calcium when administered in accordance with commission approved policy are~~ **is a permitted foreign substances substance** for race day administration.

*(Indiana Horse Racing Commission; [71 IAC 8-1-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 9. [71 IAC 8-1-4.1](#) IS AMENDED TO READ AS FOLLOWS:

---

**71 IAC 8-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31-12

Sec. 4.1. (a) The use of one (1) of three (3) approved NSAIDs shall be permitted under the following conditions:

(1) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at the recommended labeled doses at least twenty-four (24) hours before the post time for the race in which the horse is entered:

(A) Phenylbutazone ~~(or its metabolite oxyphenylbutazone)~~ – ~~5~~ **2** micrograms per milliliter.

(B) Flunixin – 20 nanograms per milliliter.

(C) Ketoprofen – 10 nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the twenty-four (24) hours before post time for the race in which the horse is entered.

(c) The presence of more than one (1) of the three (3) approved NSAIDs, with the exception of phenylbutazone in a concentration below ~~one (1)~~ **0.5** microgram per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one (1) of the approved NSAIDs shall be discontinued at least forty-eight (48) hours before the post time for the race in which the horse is entered.

*(Indiana Horse Racing Commission; 71 IAC 8-1-4.1; emergency rule filed Jul 28, 2006, 11:22 a.m.: 20060816-IR-071060279ERA, eff Sep 1, 2006; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA)*

SECTION 10. 71 IAC 8-1-4.2 IS ADDED TO READ AS FOLLOWS:

**71 IAC 8-1-4.2 Clenbuterol**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31-12

**Sec. 4.2. The use of clenbuterol shall be permitted under the following conditions: Not to exceed the following permitted serum or plasma threshold concentrations of clenbuterol (or its metabolites) which are consistent with administration of FDA approved medication at the recommended labeled dose with a withdrawal time of seven (7) days: Standardbred – 25 picograms per milliliter.**

*(Indiana Horse Racing Commission; 71 IAC 8-1-4.2; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA)*

SECTION 11. 71 IAC 8-1-5 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 8-1-5 Furosemide as a permitted foreign substance**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31-12

Sec. 5. ~~(a)~~ Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list the following process must be followed:

(1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.

- (2) The form must be received by the official veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.
- (3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and practicing veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his/her designee, on the proper form, no later than the time of entry.
- (4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.
- (5) Furosemide shall only be administered on association grounds.
- (6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.
- (7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.
- (8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. The executive director or judges may designate certain official veterinarians, racing veterinarians, and/or practicing veterinarians to administer furosemide under this rule. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.
- (9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.
- (10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of **serum or** plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood **serum or** plasma only. Split sample testing shall be quantitative and be performed on blood **serum or** plasma only.

*(Indiana Horse Racing Commission; [71 IAC 8-1-5](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2218; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 12. [71 IAC 8-3-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8-3-4](#) Taking of samples**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-12](#)

Sec. 4. (a) Blood, urine, saliva, or other samples shall be:

- (1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;
- (2) taken in a detention area approved by the commission, unless the official veterinarian or judges approves otherwise;
- (3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized

representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them; **unless the sample is being taken pursuant to [71 IAC 8-8-1\(c\)](#) or [71 IAC 8-8-1\(d\)](#);**

(4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and

(5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the executive director or the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission-approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

(d) The association shall withhold payment of purse monies on all stake races and races with a purse value of fifty thousand dollars (\$50,000) or more. Upon notification from the commission's primary laboratory, the judges will communicate with the association horseman's bookkeeper regarding the release of purse monies.

(e) The provisions of subsection (a)(2) and (a)(3) do not apply to section 5 of this rule.

*(Indiana Horse Racing Commission; [71 IAC 8-3-4](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 13. [71 IAC 8-4-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 8-4-3](#) Administrative procedures prior to split sample testing**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-12](#)

Sec. 3. (a) The results of all tests performed by the primary laboratory or laboratories are confidential and shall only be communicated to the commission, judges, owner, and trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the judges submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is identified on the list of approved laboratories maintained by the commission and acceptable to the following:

(1) The commission.

(2) The primary laboratory.

The request must be in writing and must be delivered to the judges not later than seventy-two (72) hours after the trainer has received notice of a positive test result. Notice of a positive test result may be communicated verbally to the trainer. Failure to request testing of a split sample within seventy-two (72) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained applicable list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

(c) The trainer or owner may elect to waive his or her right to testing of a split sample.

(d) The owner or trainer of a horse who submits a specimen for drug testing is entitled to be present or have a representative present at any time that the retained part of the specimen is prepared for storage or is tested.

(e) The owner or trainer of a horse who submits a specimen for testing to a split sample laboratory must execute a hold harmless agreement for the split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the judges of the state in which the positive was reported.

(f) The trainer or owner may request that negative control samples be tested with the split sample. The identities of the negative control samples and the split sample shall be known only to the commission.

(g) The presence of a drug or drug metabolite in any quantity, excluding phenylbutazone, flunixin, ketoprofen, and furosemide, **or as permitted in [71 IAC 8-1-4.2](#) and [71 IAC 8-1-9](#)**, is sufficient for a finding of a positive test.

*(Indiana Horse Racing Commission; [71 IAC 8-4-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2157; emergency rule filed Jun 22, 1998, 5:05 p.m.: 21 IR 4231; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 14. [71 IAC 8-5-12.1](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 8-5-12.1](#) Stable area access**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-3](#); [IC 4-31-13-7](#)

**Sec. 12.1. Practicing veterinarians and their licensed employees and/or helpers shall sign in and out at the stable gate each time they enter and leave the stable area. The association shall maintain daily logs of such access and agrees to provide copies of logs to commission security on a daily basis.**

*(Indiana Horse Racing Commission; [71 IAC 8-5-12.1](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 15. [71 IAC 8-11-2](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8-11-2](#) Licensee subject to testing; positive sample results**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-8-4](#)

**Sec. 2. A permit holder shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. All drivers, judges, starters, the paddock judge, horse identifier, photo finish technician, test barn veterinarian, racing veterinarian, outriders, and drivers of starting gates shall submit to a breath test prior to the beginning of their duties at each program in which they participate. Any licensee on the track surface during training hours or any licensee scheduled to drive in a qualifying race is subject to testing at the discretion of the judges. In addition, the racing secretary, the judges, the commission director of security, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test. A positive test result as defined by [71 IAC 8.5-11-1\(b\)](#) shall be prima facie evidence that there has**

been a violation of [71 IAC 8.5-11-1](#). In the event of such positive test, it is presumed that:

- (1) the breath sample tested is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection and analysis of this sample are correct and accurate; and
- (3) the report issued by the commission pertains to the sample taken from the person in question correctly reflects the condition of the person at the time of the sample was given.

With respect to the presumptions set forth in this section, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter which is conducted by the stewards or by the commission.

(Indiana Horse Racing Commission; [71 IAC 8-11-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; errata filed Aug 11, 2006, 11:15 a.m.; [20060830-IR-071060278ACA](#); readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 16. [71 IAC 8.5-1-2](#) IS AMENDED TO READ AS FOLLOWS:

### [71 IAC 8.5-1-2](#) Foreign substances prohibited

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 2. (a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, ~~including test results or an overage of phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules,~~ the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. **However, forfeiture of any purse, trophy, or award for an overage of phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules shall be consistent with recommended penalties of the Association of Racing Commissioners, International.**

(Indiana Horse Racing Commission; [71 IAC 8.5-1-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 17. [71 IAC 8.5-1-3](#) IS AMENDED TO READ AS FOLLOWS:

### [71 IAC 8.5-1-3](#) Foreign substances allowed

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 3. Furosemide, when used in accordance with the test levels and guidelines set forth in sections [sic, section] 5 of this rule, ~~and vitamin B1 and calcium when administered in accordance with commission approved policy are~~ **is a permitted foreign substances substance** for race day administration.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2420; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was

filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 18. [71 IAC 8.5-1-4.1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8.5-1-4.1](#) Nonsteroidal anti-inflammatory drugs (NSAIDs)**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-12](#)

Sec. 4.1. (a) The use of one (1) of three (3) approved NSAIDs shall be permitted under the following conditions:

(1) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at the recommended labeled dose at least twenty-four (24) hours before the post time for the race in which the horse is entered:

- (A) Phenylbutazone ~~(or its metabolite oxyphenylbutazone)~~ – **5** 2 micrograms per milliliter.
- (B) Flunixin – 20 nanograms per milliliter.
- (C) Ketoprofen – 10 nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the twenty-four (24) hours before post time for the race in which the horse is entered.

(c) The presence of more than one (1) of the three (3) approved NSAIDs, with the exception of phenylbutazone in a concentration below ~~one (1)~~ **0.5** microgram per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one (1) of the approved NSAIDs shall be discontinued at least forty-eight (48) hours before the post time for the race in which the horse is entered.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-4.1](#); emergency rule filed Jul 28, 2006, 11:22 a.m.: [20060816-IR-071060279ERA](#), eff Sep 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 19. [71 IAC 8.5-1-4.2](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 8.5-1-4.2](#) Clenbuterol**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-12](#)

**Sec. 4.2. The use of clenbuterol shall be permitted under the following conditions:**

**(1) Not to exceed the following permitted serum or plasma threshold concentrations of clenbuterol (or its metabolites) which are consistent with administration of FDA approved medication at the recommended labeled dose with a withdrawal time of seven (7) days: Thoroughbred – 25 picograms per milliliter.**

**(2) Not to exceed the following permitted serum or plasma threshold concentrations of clenbuterol (or its metabolites) which are consistent with administration of FDA approved medication at the recommended labeled dose with a withdrawal time of thirty (30) days: Quarter horse – 2 picograms per milliliter.**

(Indiana Horse Racing Commission; [71 IAC 8.5-1-4.2](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 20. [71 IAC 8.5-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8.5-1-5](#) Furosemide as a permitted foreign substance**

Sec. 5. Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed:

- (1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.
- (2) The form must be received by the official veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.
- (3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and practicing veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his/her designee, on the proper form, no later than the time of entry.
- (4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.
- (5) Furosemide shall only be administered on association grounds.
- (6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.
- (7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.
- (8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. The executive director or stewards may designate certain official veterinarians, racing veterinarians, and/or practicing veterinarians to administer furosemide under this rule. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.
- (9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.
- (10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of **serum or** plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood **serum or** plasma only. Split sample testing shall be quantitative and be performed on blood **serum or** plasma only.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-5](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2420; errata filed Oct 15, 1998, 12:39 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: [IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2223; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 21. [71 IAC 8.5-2-4](#) IS AMENDED TO READ AS FOLLOWS:

---

**71 IAC 8.5-2-4 Taking of samples**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31-12

Sec. 4. (a) Blood, urine, saliva, or other samples shall be:

(1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;

(2) taken in a detention area approved by the commission unless the official veterinarian or stewards approves otherwise;

(3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them; **unless the sample is being taken pursuant to 71 IAC 8.5-7-1(c) or 71 IAC 8.5-7-1(d);**

(4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and

(5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the executive director or the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

(d) The association shall withhold payment of purse monies on all stake races and races with a purse value of fifty thousand dollars (\$50,000) or more. Upon notification from the commission's primary laboratory, the stewards will communicate with the association horseman's bookkeeper regarding the release of purse monies.

(e) The provisions of subsection (a)(2) and (a)(3) do not apply to 71 IAC 8.5-2-5 [section 5 of this rule].

*(Indiana Horse Racing Commission; 71 IAC 8.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA)*

SECTION 22. 71 IAC 8.5-3-3 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 8.5-3-3 Administrative procedures prior to split sample testing**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31-12

Sec. 3. (a) The results of all tests performed by the primary laboratory or laboratories are confidential and shall only be communicated to the commission, stewards, owner, and trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the stewards submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is identified on the list of approved laboratories maintained by the commission and

acceptable to the following:

- (1) The commission.
- (2) The primary laboratory.

Laboratories providing split sample testing shall be ISO 17025 accredited unless otherwise approved by the commission. The request must be in writing and must be delivered to the stewards not later than seventy-two (72) hours after the trainer has received notice of a positive test result. Notice of a positive test result may be communicated verbally to the trainer. Failure to request testing of a split sample within seventy-two (72) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained applicable list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

(c) The trainer or owner may elect to waive his or her right to testing of a split sample.

(d) The owner or trainer of a horse who submits a specimen for drug testing is entitled to be present or have a representative present at any time that the retained part of the specimen is prepared for storage or is tested.

(e) The owner or trainer of a horse who submits a specimen for testing to a split sample laboratory must execute a hold harmless agreement for the split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the stewards of the state in which the positive was reported.

(f) The trainer or owner may request that negative control samples be tested with the split sample. The identities of the negative control samples and the split sample shall be known only to the commission.

(g) The presence of a drug or drug metabolite in any quantity, excluding phenylbutazone, flunixin, ketoprofen, and furosemide, **or as permitted in [71 IAC 8.5-1-4.2](#) and [71 IAC 8.5-1-9](#)**, is sufficient for a finding of a positive test.

*(Indiana Horse Racing Commission; [71 IAC 8.5-3-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2157; emergency rule filed Jun 22, 1998, 5:08 p.m.: 21 IR 4232; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 23. [71 IAC 8.5-4-12.1](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 8.5-4-12.1](#) Stable area access**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-3](#); [IC 4-31-13-7](#)

**Sec. 12.1. (a) Practicing veterinarians and their licensed helpers shall not be present in the stable area without an association escort from five (5) hours before the first race post time until four (4) hours before post time of the last race.**

**(b) Practicing veterinarians and their licensed helpers shall sign in and out at the stable gate each time they enter and leave the stable area. The association shall maintain daily logs of such access and agrees to provide copies of logs to commission security on a daily basis.**

**(c) Practicing veterinarians and their licensed helpers shall cooperate fully with their designated association escort at all times.**

(Indiana Horse Racing Commission; [71 IAC 8.5-4-12.1](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 24. [71 IAC 8.5-11-2](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8.5-11-2](#) Licensee subject to testing; positive sample results**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-8-4](#)

Sec. 2. A permit holder shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. All jockeys, stewards, starters, ~~and assistant starters, valets, pony riders, outriders, the paddock judge, horse identifier, clerk of scales, jockey room custodian, photo finish technician, placing judges, test barn veterinarian, and racing veterinarians~~ shall submit to a breath test **prior to beginning their duties** at each program in which they participate. Any licensee on the track surface during training hours is subject to testing at the discretion of the stewards. In addition, the stewards, the commission director of security, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test. A positive test result as defined by section 1(b) of this rule shall be prima facie evidence that there has been a violation of section 1 of this rule. In the event of such positive test, it is presumed that:

- (1) the breath sample tested is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection and analysis of this sample are correct and accurate; and
- (3) the report issued by the commission pertains to the sample taken from the person in question correctly reflects the condition of the person at the time of the sample was given.

With respect to the presumptions set forth in this section, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter, which is conducted by the stewards or by the commission.

(Indiana Horse Racing Commission; [71 IAC 8.5-11-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; errata filed Aug 11, 2006, 11:15 a.m.: [20060830-IR-071060278ACA](#); readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))

SECTION 25. [71 IAC 10-2-9](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 10-2-9](#) Appeals**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-13](#)

Sec. 9. (a) A person who has been aggrieved or adversely affected by a ruling of the judges may appeal to the commission. A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal the ruling.

(b) An appeal under this section must be filed not later than fifteen (15) days after the ruling is served upon the person. The appeal must be filed with the commission. ~~The appeal must be accompanied by a deposit of five hundred dollars (\$500) in the form of a cashier's check or money order to defray the costs of appeal. The costs of appeal shall consist of the cost of the court reporter, the cost of the transcript required for the appeal, and the cost of the administrative law judge. If a person is wholly or partially successful in prosecuting an appeal and a final order is entered on their behalf, the costs of appeal will be assessed against the commission. In all other instances, the costs of appeal will be assessed against the person bringing the appeal. The deposit provided for by this subsection will be applied toward any such assessment. To the extent that such an assessment is less than the amount of the deposit, that difference shall be refunded to the person initiating the appeal. To the extent that the assessment exceeds the amount of the deposit, the person initiating the appeal is responsible for remitting the balance to the commission within ten (10) days of such a request after the issuance of a final order.~~

- (c) An appeal must be in writing on a form prescribed by the commission. The appeal must include:
- (1) the name, address, telephone number, and signature of the person making the appeal; and
  - (2) a statement of the basis for the appeal, identified with reasonable particularity.

(d) On notification by the commission that an appeal has been filed, the judges shall forward to the commission the record of the proceeding on which the appeal is based.

(e) If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, payment of the fine is not due until seven (7) days after a final determination or order has been entered which supports the imposition of such a sanction.

(f) A decision by the judges regarding a disqualification involving the running of the race that does not result in a ruling is final and may not be appealed.

*(Indiana Horse Racing Commission; [71 IAC 10-2-9](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1200; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3415; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2427; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2110; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2387; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 26. [71 IAC 10-3-20](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 10-3-20](#) Administrative complaints**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31-13](#)

Sec. 20. (a) If the commission determines that a person regulated under the Act has violated the Act or a rule or order adopted under the Act in a manner that constitutes a ground for disciplinary action under the Act, the commission may assess an administrative penalty against that person as provided by this section.

(b) The commission delegates to the executive director the authority to prepare and issue ~~preliminary reports~~ **administrative complaints** pursuant to the Act. If, after examination of a possible violation and the facts relating to that possible violation, the executive director determines that a violation has occurred, the executive director shall issue ~~a preliminary report~~ **an administrative complaint** that states the facts on which the conclusion is based, the fact that an administrative penalty is to be imposed, the amount to be assessed, and any other proposed sanction, including suspension, or revocation. Furthermore, when the judges have issued a ruling that a violation has occurred, the executive director may issue ~~a preliminary report~~ **an administrative complaint** identifying the underlying ruling that serves as the basis for the ~~preliminary report~~, **administrative complaint**, the fact that an administrative penalty is to be imposed, the additional amount to be assessed, and any other proposed sanction including additional suspension or revocation. The amount of the penalty may not exceed five thousand dollars (\$5,000) for each violation. Each day or occurrence that a violation continues may be considered a separate violation. In determining the administrative penalty, the executive director shall consider the seriousness of the violation.

(c) Not later than the tenth day after the date on which the executive director issues the ~~preliminary report~~, **administrative complaint**, the executive director shall provide a copy of the report to the person charged with the violation, together with a statement of the right of the person to a hearing relating to the alleged violation and the amount of the penalty. If possible, the executive director shall hand deliver the ~~preliminary report~~ **administrative complaint**. If hand delivery is not possible, the executive director shall mail the ~~preliminary report~~ **administrative complaint** to the person's last known address, as found in the commission's files, by regular mail and by certified mail, return receipt requested.

(d) Not later than the twentieth day after the date on which the executive director delivers or sends the

~~preliminary report~~, **administrative complaint**, the person charged may make a written request for a hearing or may remit the amount of the administrative penalty to the commission. Failure to request a hearing or to remit the amount of the administrative penalty within the period prescribed by this subsection results in a waiver of a right to a hearing on the administrative penalty as well as any right to judicial review. If the person charged requests a hearing, the hearing shall be conducted in the same manner as other hearings conducted by the commission pursuant to this article.

(e) If it is determined after the hearing that the person has committed the alleged violation, the administrative law judge shall give written notice to the person of the findings established by the hearing and the amount of the penalty and shall enter an order requiring the person to pay the penalty. If a party desires to appeal this order, they shall do so pursuant to the provisions of section 15 of this rule.

(f) Not later than the fifteenth day after the date on which the above order is received from the administrative law judge, the person charged shall pay the administrative penalty in full or exercise the right to appeal. If a person exercises a right of appeal, the amount of the penalty is not required to be paid until the fifteenth day after the date on which all appeals have been exhausted and the commission's decision has been upheld.

*(Indiana Horse Racing Commission; [71 IAC 10-3-20](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1208; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1507; errata filed Mar 23, 1995, 4:30 p.m.: 18 IR 2126; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 27. [71 IAC 13.5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 13.5-3-2](#) Breeder's awards**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 2. (a) A breeder award means the award is paid to the breeder of a registered Indiana bred which wins any race at a licensed pari-mutuel track located in Indiana.

(b) In the event of multiple breeders, the award will be paid to the individual designated as the recipient on the foal application. It is the responsibility of the designated recipient to distribute monies to the remaining breeders.

(c) The amount of the award in races at a licensed pari-mutuel track in Indiana is twenty percent (20%) of the purse, including supplements, for all stake, allowance (including Maiden Special Weight, **Starter Allowance for ten thousand (10,000) or more, Optional Claiming for ten thousand (10,000) or more & Maiden Optional Claiming for ten thousand (10,000) or more**), and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).

(d) The total purse supplement available shall be included in calculating breeder's awards.

(e) Awards will be paid by the commission.

*(Indiana Horse Racing Commission; [71 IAC 13.5-3-2](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 28. [71 IAC 13.5-3-4](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 13.5-3-4](#) Stallion owner's awards**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 4. (a) A stallion owner award is the award is paid to the owner or lessee of a registered Indiana stallion whose registered progeny have won any race at a licensed pari-mutuel track located in Indiana.

(b) In the event of multiple stallion owners, the award will be paid to the individual designated as the recipient on the stallion application. It is the responsibility of the designated recipient to distribute monies to the remaining stallion owners.

(c) The amount of the award in races at a licensed pari-mutuel track in Indiana is ten percent (10%) of the gross purse including supplements, for all stake, allowance **(including Maiden Special Weight, Starter Allowance for ten thousand (10,000) or more, Optional Claiming for ten thousand (10,000) or more & Maiden Optional Claiming for ten thousand (10,000) or more)**, and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).

(d) The total purse supplement available shall be included in calculating stallion owner's awards.

(e) Awards will be paid by the commission.

(f) The award will be paid to the owner or lessee of the registered stallion at time of conception. The stallion must have been registered at time of conception.

*(Indiana Horse Racing Commission; [71 IAC 13.5-3-4](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 29. [71 IAC 13.5-7](#) IS ADDED TO READ AS FOLLOWS:

**Rule 7. Indiana Sired Weight Allowance**

**[71 IAC 13.5-7-1](#) Indiana sired weight allowance**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

**Sec. 1. In Indiana restricted races, registered Indiana sired horses shall receive a weight allowance of three (3) lbs. when running less than seven and one-half (7 1/2) furlongs and five (5) lbs. when running seven and one-half (7 1/2) furlongs or greater.**

*(Indiana Horse Racing Commission; [71 IAC 13.5-7-1](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 30. [71 IAC 14-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**71 IAC 14-1-1 "Indiana bred" defined**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31

Sec. 1. (a) "Indiana bred" means a foal from a mare who resides in the state continuously from June 1 of the breeding year through the time of foaling and is properly registered with the commission.

(b) In order to be registered as an Indiana bred foal, the mare of the foal must:

- (1) have entered Indiana by August 1 in the year prior to foaling; and
- (2) remain in Indiana continuously until foaling.

(c) Mares which have not been bred by the August 1 deadline may be registered late but must reside in Indiana and be registered prior to being bred.

(d) Mares registered for the current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the commission. Reregistration must occur with the fourteen (14) day period following the sale.

(e) The commission must be notified in writing by e-mail, fax, or mail and provide proper documentation for any registered mare leaving the state for medical treatment. Notification must be made within seventy-two (72) hours of date which the mare left the state.

(f) The Indiana bred foal must:

- (1) Be registered with the commission within thirty (30) days of foaling.
- (2) Be inspected after foaling prior to leaving the state.

**(g) Foals not registered within thirty (30) days of foaling date may be registered with a two hundred dollar (\$200) late fee up and until December 31 of the foal's weanling year.**

**(h) If the foal is not registered by January 1 of its yearling year, the foal is not eligible to be registered.**

~~(g)~~ **(i)** For foals of 2009 and prior, Indiana bred is defined as a horse whose breeder(s) as listed with the USTA are residents of Indiana. Any partnership or corporation registered by the USTA and listed as breeder must be entirely composed of Indiana residents.

*(Indiana Horse Racing Commission; [71 IAC 14-1-1](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Dec 8, 2010, 11:46 a.m.: [20101215-IR-071100735ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 31. [71 IAC 14-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**71 IAC 14-3-1 Embryo transfer**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31

Sec. 1. (a) In order to be eligible to register your embryo transfer foal as an Indiana bred or Indiana sired and bred, foals must be: *[sic]*

(b) In order to register a foal from embryo transfer, the recipient mare must:

- (1) have entered Indiana by June 1 in the year prior to foaling; and
- (2) remain in Indiana continuously until foaling. The resulting foal will be eligible to *[sic]* registered as an Indiana bred or Indiana sired and bred standardbred.
- (3) Be properly registered with the commission by August 1 of the breeding year.
- (4) For an Indiana sired and bred foal, be sired by a stallion properly registered with the commission on *[sic, in]* accordance with [71 IAC 14-2-1](#).

(c) Mares which have not been bred by the June 1 deadline may be registered late but must reside in Indiana and be registered prior to being bred.

(d) Mares registered for the current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the commission. Reregistration must occur within the fourteen (14) day period following the sale.

(e) The commission must be notified in writing and provide proper documentation for any mare leaving the state for medical treatment. Notification must be made within seventy-two (72) hours of date which the mare left the state.

(f) The Indiana bred embryo transfer foal or Indiana sired and bred embryo transfer foal must:

- (1) Be registered with the commission within thirty (30) days of foaling.
- (2) Be inspected after foaling prior to leaving the state.
- (3) Must be DNA tested and freeze branded by the USTA prior to leaving the state.

**(g) Foals not registered within thirty (30) days of foaling date may be registered with a two hundred dollar (\$200) late fee up and until December 31 of the foal's weanling year.**

**(h) If the foal is not registered by January 1 of its yearling year, the foal is not eligible to be registered.**

*(Indiana Horse Racing Commission; [71 IAC 14-3-1](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Dec 8, 2010, 11:46 a.m.: [20101215-IR-071100735ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 32. [71 IAC 14.5-1-4](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 14.5-1-4](#) Indiana sired quarter horse**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

**Sec. 4. "Indiana sired" means a foal sired by a registered Indiana stallion properly registered with the Indiana horse racing commission as outlined in [71 IAC 14.5-2-3](#) and whose mare must fulfill the requirements of [71 IAC 14.5-1-1](#) [section 1 of this rule].**

*(Indiana Horse Racing Commission; [71 IAC 14.5-1-4](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

SECTION 33. [71 IAC 14.5-2-1.5](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 14.5-2-1.5](#) Embryo transfer registration**

Sec. 1.5. (a) In order to be eligible to register quarter horse embryo transfer foals as Indiana bred, foals must be:

- (1) foaled in Indiana;
- (2) the donor mare; and
- (3) recipient mare must be registered with the commission.

(b) The donor mare and recipient mare must be:

- (1) registered and have entered Indiana by November 1, 2008, and by July 1, 2009, and each year thereafter; and **or** *[sic]*
- (2) both mares must remain in Indiana continuously until foaling.

**(c) In the event a mare entered Indiana or is registered with the commission after July 1, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred. To be eligible, the donor mare must be:**

- (1) bred back to a registered Indiana stallion in the year of foaling for the foal to qualify as an Indiana bred; and**
- (2) the stallion must be registered with the commission in the year the foal was conceived.**

**(d) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.**

**(e) If the mare does not conceive, she must:**

- (1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and**
- (2) remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.**

~~(e)~~ **(f)** The donor mare and the recipient mare are limited to register one (1) foal each per foaling year as an Indiana bred.

~~(d)~~ **(g)** In the event there is more than one (1) recipient mare:

- (1) One (1) recipient foal will be eligible to be registered as an Indiana bred.
- (2) It is the sole responsibility of the owner of the donor mare to choose and register the foals that are to be eligible to the Indiana bred program.

~~(e)~~ **(h)** A copy of the donor mare registration papers and all lease agreements must accompany the application for identification and ownership purposes.

~~(f)~~ All foals resulting from an embryo transplant or from the donor mare that will be eligible to be registered as an Indiana bred must be as follows:

- ~~(1) Microchipped (one hundred twenty five (125) mhz) by a licensed Indiana veterinarian within thirty (30) days of foaling or before leaving the state, whichever would be first.~~
- ~~(2) This shall be done at the owner's expense with a microchip approved by the breed development advisory committee.~~

~~(g)~~ **(i)** The recipient mare must be able to be identified by:

- (1) Indiana breed development identification form;
- (2) American Quarter Horse Association certificate of registration; or *[sic]*
- ~~(3) microchip (one hundred twenty five (125) mhz), (must be done by a licensed veterinarian at the owner's expense), documentation copies must accompany the application.~~

~~(h)~~ **(j)** The donor mare may leave the state to participate in:

- (1) stakes;
- (2) medical care; or
- (3) a mare leaving the state for an advertised public sale may:
  - (A) be gone for the interval of the sale, but must return to Indiana within fifteen (15) days of her sale; and
  - (B) written documentation of the sale is required.

⌘ (k) The director of breed development must be notified in writing within fifteen (15) days of the departure and return of the advertised public sale.

⌘ (l) All mares in foal must be registered every year.

*(Indiana Horse Racing Commission; [71 IAC 14.5-2-1.5](#); emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: [20080305-IR-071080056ACA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#))*

LSA Document #12-56(E)

Filed with Publisher: January 25, 2012, 12:20 p.m.

Posted: 02/01/2012 by Legislative Services Agency

An [html](#) version of this document.